

SAGASER, FRANSON & JONES
2445 Capitol Street, 2nd Floor
Post Office Box 1632
Fresno, California 93717-1632

Telephone: (559) 233-4800

Howard A. Sagaser #072492

Attorneys for: Amicus Curiae Excelsior Farming, LLC

STATE OF CALIFORNIA
AGRICULTURAL LABOR RELATIONS BOARD
SALINAS REGIONAL OFFICE

In the Matter of:

GALLO VINEYARDS, INC.,

Respondent,

and

**UNITED FARM WORKERS OF
AMERICA, AFL-CIO,**

Charging Party.

Case Nos. 03-CE-9-SAL
03-CE-9-1-SAL

**EXCELSIOR FARMING'S
JOINDER IN RESPONSE
SUBMITTED BY GALLO
VINEYARDS**

Excelsior Farming, LLC, hereby joins in Gallo Vineyards, Inc., Response to the Board's Request for Written Argument concerning the appropriate standards for determining whether unlawful employer assistance in procuring the showing of interest for a decertification petition should result in the ALRB denying employees of their right to an election. Excelsior Farming agrees with Gallo Vineyards, Inc., that the dismissal of a decertification election petition is an extreme remedy as it deprives the employees who file the petition of the opportunity to have the issue of union representation decided by a secret ballot election.

It is respectfully submitted that situations in which the employer did not instigate the petition but rather engaged in a technical violation of giving some form of improper assistance, that

sufficient unfair labor practice remedies exist to address the situation without imposing the drastic remedy of denying the employees the right to have the matter resolved by secret ballot election.

Excelsior Farming joins in the position taken and the arguments advanced by Gallo Vineyards in this matter.

DATED: August 2, 2004.

SAGASER, FRANSON & JONES

By 

Howard A. Sagaser, Attorneys for Excelsior
Farming, LLC